

AMENDED IN ASSEMBLY MARCH 21, 2012  
AMENDED IN ASSEMBLY MARCH 14, 2012  
AMENDED IN ASSEMBLY FEBRUARY 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1435**

---

**Introduced by Assembly Member Dickinson  
(Coauthors: Assembly Members Alejo, Buchanan, and Hill)**

January 4, 2012

---

An act to amend Section 11165.7 of the Penal Code, relating to child abuse reporting.

LEGISLATIVE COUNSEL'S DIGEST

AB 1435, as amended, Dickinson. Child abuse reporting: athletic personnel.

Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of up to 6 months, a fine of up to \$1,000, or by both that imprisonment and fine. ~~Existing law provides that an administrator or employee of a public or private youth center, youth recreation program, or youth organization is a mandated reporter.~~

~~This bill would provide that an administrator or employee of a public or private youth center, youth recreation program, or youth organization includes an athletic coach, athletic administrator, or athletic director of~~

~~the center, program, or organization. The bill would add athletic coaches, athletic administrators, and athletic directors employed by a public or private organization to the list of individuals who are mandated reporters. The bill would require any public or private youth center, youth recreation program, or youth organization employing an athletic coach, athletic administrator, or athletic director to have provided initial training, by January 1, 2014, on specified matters relating to child abuse and neglect for those employees. On and after January 1, 2014, the bill would require initial training to be provided within 6 months of the date an individual becomes employed in that capacity. The bill would require these individuals to complete continuing training every 2 years.~~

By imposing the reporting requirements on a new class of persons, for whom failure to report specified conduct is a crime, and by imposing new training requirements on public organizations, including local government entities, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11165.7 of the Penal Code is amended
- 2 to read:
- 3 11165.7. (a) As used in this article, “mandated reporter” is
- 4 defined as any of the following:
- 5 (1) A teacher.
- 6 (2) An instructional aide.
- 7 (3) A teacher’s aide or teacher’s assistant employed by any
- 8 public or private school.
- 9 (4) A classified employee of any public school.

1 (5) An administrative officer or supervisor of child welfare and  
2 attendance, or a certificated pupil personnel employee of any public  
3 or private school.

4 (6) An administrator of a public or private day camp.

5 (7) An administrator or employee of a public or private youth  
6 center, youth recreation program, or youth organization, including  
7 an athletic coach, athletic administrator, or athletic director of the  
8 center, program, or organization.

9 (8) An administrator or employee of a public or private  
10 organization whose duties require direct contact and supervision  
11 of children.

12 (9) Any employee of a county office of education or the State  
13 Department of Education, whose duties bring the employee into  
14 contact with children on a regular basis.

15 (10) A licensee, an administrator, or an employee of a licensed  
16 community care or child day care facility.

17 (11) A Head Start program teacher.

18 (12) A licensing worker or licensing evaluator employed by a  
19 licensing agency as defined in Section 11165.11.

20 (13) A public assistance worker.

21 (14) An employee of a child care institution, including, but not  
22 limited to, foster parents, group home personnel, and personnel of  
23 residential care facilities.

24 (15) A social worker, probation officer, or parole officer.

25 (16) An employee of a school district police or security  
26 department.

27 (17) Any person who is an administrator or presenter of, or a  
28 counselor in, a child abuse prevention program in any public or  
29 private school.

30 (18) A district attorney investigator, inspector, or local child  
31 support agency caseworker unless the investigator, inspector, or  
32 caseworker is working with an attorney appointed pursuant to  
33 Section 317 of the Welfare and Institutions Code to represent a  
34 minor.

35 (19) A peace officer, as defined in Chapter 4.5 (commencing  
36 with Section 830) of Title 3 of Part 2, who is not otherwise  
37 described in this section.

38 (20) A firefighter, except for volunteer firefighters.

39 (21) A physician and surgeon, psychiatrist, psychologist, dentist,  
40 resident, intern, podiatrist, chiropractor, licensed nurse, dental

1 hygienist, optometrist, marriage and family therapist, clinical social  
2 worker, professional clinical counselor, or any other person who  
3 is currently licensed under Division 2 (commencing with Section  
4 500) of the Business and Professions Code.

5 (22) Any emergency medical technician I or II, paramedic, or  
6 other person certified pursuant to Division 2.5 (commencing with  
7 Section 1797) of the Health and Safety Code.

8 (23) A psychological assistant registered pursuant to Section  
9 2913 of the Business and Professions Code.

10 (24) A marriage and family therapist trainee, as defined in  
11 subdivision (c) of Section 4980.03 of the Business and Professions  
12 Code.

13 (25) An unlicensed marriage and family therapist intern  
14 registered under Section 4980.44 of the Business and Professions  
15 Code.

16 (26) A state or county public health employee who treats a minor  
17 for venereal disease or any other condition.

18 (27) A coroner.

19 (28) A medical examiner, or any other person who performs  
20 autopsies.

21 (29) A commercial film and photographic print processor, as  
22 specified in subdivision (e) of Section 11166. As used in this  
23 article, “commercial film and photographic print processor” means  
24 any person who develops exposed photographic film into negatives,  
25 slides, or prints, or who makes prints from negatives or slides, for  
26 compensation. The term includes any employee of such a person;  
27 it does not include a person who develops film or makes prints for  
28 a public agency.

29 (30) A child visitation monitor. As used in this article, “child  
30 visitation monitor” means any person who, for financial  
31 compensation, acts as monitor of a visit between a child and any  
32 other person when the monitoring of that visit has been ordered  
33 by a court of law.

34 (31) An animal control officer or humane society officer. For  
35 the purposes of this article, the following terms have the following  
36 meanings:

37 (A) “Animal control officer” means any person employed by a  
38 city, county, or city and county for the purpose of enforcing animal  
39 control laws or regulations.

1 (B) “Humane society officer” means any person appointed or  
2 employed by a public or private entity as a humane officer who is  
3 qualified pursuant to Section 14502 or 14503 of the Corporations  
4 Code.

5 (32) A clergy member, as specified in subdivision (d) of Section  
6 11166. As used in this article, “clergy member” means a priest,  
7 minister, rabbi, religious practitioner, or similar functionary of a  
8 church, temple, or recognized denomination or organization.

9 (33) Any custodian of records of a clergy member, as specified  
10 in this section and subdivision (d) of Section 11166.

11 (34) Any employee of any police department, county sheriff’s  
12 department, county probation department, or county welfare  
13 department.

14 (35) An employee or volunteer of a Court Appointed Special  
15 Advocate program, as defined in Rule 1424 of the California Rules  
16 of Court.

17 (36) A custodial officer as defined in Section 831.5.

18 (37) Any person providing services to a minor child under  
19 Section 12300 or 12300.1 of the Welfare and Institutions Code.

20 (38) An alcohol and drug counselor. As used in this article, an  
21 “alcohol and drug counselor” is a person providing counseling,  
22 therapy, or other clinical services for a state licensed or certified  
23 drug, alcohol, or drug and alcohol treatment program. However,  
24 alcohol or drug abuse, or both alcohol and drug abuse, is not in  
25 and of itself a sufficient basis for reporting child abuse or neglect.

26 (39) A clinical counselor trainee, as defined in subdivision (g)  
27 of Section 4999.12 of the Business and Professions Code.

28 (40) A clinical counselor intern registered under Section 4999.42  
29 of the Business and Professions Code.

30 *(41) An athletic coach, athletic administrator, or athletic*  
31 *director employed by a public or private organization, including,*  
32 *but not limited to, schools and institutions of higher education.*

33 (b) Except as provided in paragraph (35) of subdivision (a),  
34 volunteers of public or private organizations whose duties require  
35 direct contact with and supervision of children are not mandated  
36 reporters but are encouraged to obtain training in the identification  
37 and reporting of child abuse and neglect and are further encouraged  
38 to report known or suspected instances of child abuse or neglect  
39 to an agency specified in Section 11165.9.

(c) Employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.

(d) School districts that do not train their employees specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws shall report to the State Department of Education the reasons why this training is not provided.

(e) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(f) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

(g) (1) On or before January 1, 2014, any public or private organization ~~specified in paragraph (7) of subdivision (a)~~ employing an athletic coach, athletic administrator, or athletic director, *as specified in paragraph (41) of subdivision (a)*, shall provide initial training for those employees on the following matters:

(A) The identification of child abuse and neglect.

(B) Activities that constitute inappropriate and illegal contact between a youth and an athletic coach, athletic administrator, or athletic director.

(C) The responsibilities of a person identified as a mandated reporter in this section, including, but not limited to, all of the following:

(i) To whom a report is required to be made.

(ii) The information that is required to be included in a report.

(iii) The time within which a mandated reporter is required to file a report.

(2) Initial training shall be provided by persons knowledgeable in the identification of child abuse and neglect, inappropriate and illegal contact between a youth and an adult, and statutory reporting

1 requirements, and shall consist of two hours of classroom or other  
2 interactive training and education.

3 (h) Commencing on and after January 1, 2014, an organization  
4 specified in subdivision (g) shall provide initial training within six  
5 months of the date that an individual becomes employed as an  
6 athletic coach, athletic administrator, or athletic director unless  
7 the individual received training within two years prior to the date  
8 the individual is employed. An athletic coach, athletic  
9 administrator, or athletic director who has received initial training  
10 pursuant to subdivision (g) shall complete continuing training  
11 thereafter, once every two years, consisting of one hour of  
12 classroom or other interactive training and education.

13 SEC. 2. No reimbursement is required by this act pursuant to  
14 Section 6 of Article XIII B of the California Constitution for certain  
15 costs that may be incurred by a local agency or school district  
16 because, in that regard, this act creates a new crime or infraction,  
17 eliminates a crime or infraction, or changes the penalty for a crime  
18 or infraction, within the meaning of Section 17556 of the  
19 Government Code, or changes the definition of a crime within the  
20 meaning of Section 6 of Article XIII B of the California  
21 Constitution.

22 However, if the Commission on State Mandates determines that  
23 this act contains other costs mandated by the state, reimbursement  
24 to local agencies and school districts for those costs shall be made  
25 pursuant to Part 7 (commencing with Section 17500) of Division  
26 4 of Title 2 of the Government Code.